

REMARKS

The Examiner is thanked for the due consideration given the application. A Declaration and Exhibits are appended to this paper.

Claims 1-10, 15, 16 and 22 remain pending in the application. Claims 11-14 have been canceled by this amendment. The claim set has been amended to reflect the comments at page 5 of the Office Action, which asserted that the results are only reflected by *Amycololatopsis* sp. IMI 390106.

The amended claims thus reflect that the material provided at step (iii) is a purified material compared to the crude product obtained at step (ii) because the treatment practiced in the application enables to carry away impurities and leaves behind a purified solid vanillin material, which is reported notably on page 1, paragraph [0015] and [0016] and/or on page 2, paragraph [0041] where the vanillin content of 98-100% is taught, that is to say vanillin of a higher purity. This feature is now recited in a new Claim 22.

No new matter is believed to be added to the application by this amendment.

Rejection Under 35 USC §112, Second Paragraph

Claims 1-16 have been rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This rejection is respectfully traversed.

The comments in the Official Action have been considered, and the claims have been accordingly amended to be clear, definite and have full antecedent basis. The claim amendments include the removal of redundant phrases, a recitation of "higher" purity and being more specific as to "said microorganisms."

This rejection is believed to be overcome, and withdrawal thereof is respectfully requested.

Rejection Under 35 USC §103(a)

Claims 1-16 have been rejected under 35 USC §103(a) as being unpatentable over Rabenhorst et al. (U.S. Patent No. 6,133,003) taken with Muheim et al. (U.S. Patent No. 6,235,507) and Makin (U.S. Patent No. 4,474,994). This rejection is respectfully traversed.

As has been noted, the applied art did not address the problem of getting, with *Actinomycetales* microorganisms - whether called *Amycolatopsis sp.* or *Streptomyces setonii* - a biotransformation medium devoid of odoriferous by-products, considered as contaminants by the present inventors.

In addition to the distinctions of the present invention over Rabenhorst et al. of record, attached to this paper please find a Declaration and exhibits that are to be considered as evidence probative of unexpected results.

These results include a Memorandum that includes a report on the production of vanillin by the Rabenhorst et al. process. Also note:

Exhibit 1 : 16S rDNA sequencing of strains DSM 9991 & DSM 9992, used in the Rabenhorst et al. process showing that they are indistinguishable from one another (referred to as Strain B and Strain C, the comparison **being also made with *Amycolatopsis methanolica*** a reference strain, from public domain).

Exhibit 2 : Ribotyping of strains DSM 9991 & DSM 9992, used in the Rabenhorst et al. process showing that they are indistinguishable from one another (referred to as Strain B and Strain C, the comparison being also made with *Amycolatopsis methanolica* a reference strain, from public domain).

Moreover, the attached Declaration shows results demonstrating that the disclosure of the Rabenhorst et al. patent does not get the alleged results regarding vanillin production.

Accordingly, Applicant respectfully submits that it was not a simple question of adjustment/optimization of variables taken from the cited prior art and that the creation, by the present inventors, of *Actinomycetales* microorganisms able to provide a vanillin material as defined in the present application was totally unforeseeable from the prior art and gave unexpected results never taught in the literature.

Thus, the present invention produces a new "bio-vanillin" is not *prima facie* obvious. Moreover, the unexpected results fully rebut any obviousness that could be alleged.

This rejection is believed to be overcome, and withdrawal thereof is respectfully requested.

Statement of Substance of Interview

The Examiner is thanked for graciously conducting a telephonic interview with the Applicant's representative on May 24, 2010. During the interview it was noted that newly presented claims 14-16 have not been addressed in the previous Office Action. As a result, a new Office Action was issued in which claims 14-16 are being considered. After the interview the Examiner prepared an interview summary, the Interview Summary has been reviewed and it appears to accurately reflect the substance of the interview.

Conclusion

The Examiner is thanked for considering the Information Disclosure Statement filed September 28, 2005 and for making the references therein of record in the application. Prior art of record but not utilized is believed to be non-pertinent to the instant claims.

The Examiner is respectfully requested to contact the Applicant's representative below if there are any remaining issues that need resolving.

As it is believed that no issues remain the issuance of a Notice of Allowability is respectfully solicited.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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